

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MOHAMMAD F. KHALIL,

Plaintiff,

CIVIL CASE NO. 08-10303

v.

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

TRANSUNION, LLC, *et. al*,

Defendants.

_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court is Defendant Washington Mutual's motion to dismiss, filed on March 21, 2008 and the report and recommendation of Magistrate Judge Michael Hluchaniuk, filed on June 10, 2008. Magistrate Hluchaniuk recommends that Plaintiff be allowed twenty one days from the date of this order to file an amended complaint and, should Plaintiff fail to so amend, the claims against Defendant Washington Mutual should be dismissed.

The Magistrate Judge served the report and recommendation on all parties on June 10, 2008, and notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendation.

The Court's standard of review for a Magistrate Judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear

that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the report and recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the report and recommendation [docket entry #23] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff shall **FILE** an amended complaint, consistent with the report and recommendation, within **TWENTY-ONE (21) DAYS** of the filing of this order.

IT IS FURTHER ORDERED that if Plaintiff fails to file an amended complaint, the claims against Defendant Washington Mutual will be dismissed.

SO ORDERED.

Dated: July 17, 2008

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on July 17, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Wade D. Fulford; Christopher T. Lane; Brian A. Nettleingham; Gary D. Nitzkin; Theordore W. Seitz; Aaron L. Vorce, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager

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